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ABSTRACT

Six papers presented at a 1982 forum on Latin American and Caribbean migration to South Florida are collected in this document. Their titles (and authors) are: (1) "Refugees and Immigrants: The Last Two Decades" (Antonio Jorge); (2) "U.S. Refugee and Immigration Policy and Its Effect on South Florida" (Alex Stepick); (3) "International Obligation of the United States on Refugees" (Farrokh Jhabvala); (4) "The Economic Impact of Refugees and Immigrants" (Raul Moncarz); (5) "Refugees; The Central American View (Mark Rosenberg); (6) "The Problems of Haitian Refugees in the United States" (Ken Boodhoo); and (7) "Social Indicators and Refugee Social Policy: A Tale of Three Communities" (Charles Frankenhoff). (KH)

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"Perspectives on Recent Refugees and Immigrant Waves into South Florida"

Dialogues # 6

August 1982

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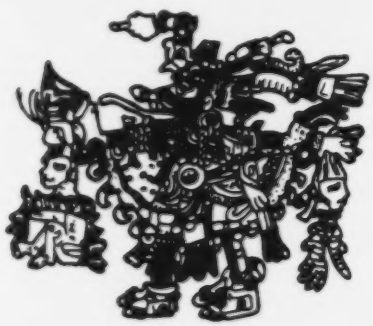

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"Perspectives on Recent Refugees and Immigrant Waves into South Florida"

Dialogues # 6

August 1982

By: Dr. Antonio Jorge
Dr. Alex Stepick
Dr. Farrokh Jhabvala
Dr. Raul Moncarz
Dr. Mark Rosenberg
Dr. Kenneth Boodhoo
Dr. Charles Frankenhoff

"Perspectives on Recent Refugees and
Immigrant Waves into South Florida"

Preface

Since August 1980, much discussion and research on Latin American and Caribbean migration to South Florida has taken place. The University has a wide array of scholars interested in the subject, as this publication indicates. The occasion which brought this group and others together in early March 1982 to begin an on-going dialogue on the topic was International Week '82, sponsored by the Student Government Association (SGA) of FIU. During the past few years, the SGA has aspired to a leadership position in sponsoring programs of high community support.

Also cooperating in the March 1982 forum were the offices of the Vice President for Student Affairs (Dr. Henry Thomas) and Latino Affairs (Dr. Miguel Gonzalez-Pando).

The intention of this publication is to present to the community a range of views on the present refugee and immigrant situation. It should be understood therefore as a heuristic device and not the definitive word, which we still await from our colleagues.

Mark B. Rosenberg, Director
Latin American and Caribbean Center

Introduction

It is the hope of those participating in this panel that it will signal the beginning of a series of meetings and exchanges of views on our chosen subject. There is an increasing awareness in the nation as a whole, and most certainly in our local community, that the refugee and immigration issue must be examined and discussed from a variety of angles and perspectives.

Immigration is a dynamic and ever changing phenomenon. Its impact and consequences are a function of a great many variables whose weight and relative importance vary over time. Simultaneously, it must be clearly realized that immigration is also intertwined with other more fundamental and permanent human and socio-cultural values. The mix of these various elements impose upon us the need, as well as the obligation, to understand the differences and to act accordingly without disregarding the invariant substratum on which our policies should be based.

Obviously, our task is a most complex and difficult one. It embraces the social sciences and much more. The universal and the particular; the essential and the accidental; the secular and the topical, blended in a kaleidoscopic fashion. Deeply set emotional reactions and vested interests are also part of what at times may appear as a discordant and unconnected reality. Perhaps through our sustained effort we may shed some light, introduce some order, and in the process advance somewhat the understanding and alleviation of the human problems whose consideration we propose to undertake as an ongoing project.

Antonio Jorge, Professor

Political Economy

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"Refugees and Immigrants:

The Last Two Decades"

by Antonio Jorge
Professor of Political Economy

It seems fairly obvious that the influx of refugees and immigrants into South Florida over the last two decades or so has substantially altered the contexture of the local society as well as its immediate and long-term prospects. Although the developments that brought about the large population inflow from outside the United States were certainly unpredictable, one thing that can be said is that they did not impact upon an established community with an identity and ways of its own. The Miami area is, in the classical sense, an area of recent settlement.

It is quite probable that the demographic growth of the area, fueled by a host of endogenous and exogenous factors, would have maintained its pace even in the absence of the external migratory movements. In effect, the population of the Standard Metropolitan Statistical area of Miami increased by 87 percent between 1930 and 1940; another 85 percent during the interval of the next decade; 89 percent from 1950 to 1960, and only about 36 percent in the following decennium. The average annual growth for the seventies was in the vicinity of a modest 2 percent.

The decade of the sixties was characterized by the massive

arrival of Cuban refugees. These accounted for seventy percent of total population growth during the period in question. As for the future, it should be noted that for the second half of the last decade the Hispanic population of Dade County has been advancing at an annual pace in excess of 4 percent, double the rate for the entire population.

The Cuban population in the United States is calculated by the 1980 Census at about 794,000. Adding to this figure the 125,000 Mariel entrants, and a low estimate of 10 percent to account for the Census undercount, would yield a total of about 1 million. Taking into consideration that Florida and New Jersey alone claimed upward of 75 percent of the Cubans in the country, and that more than 85 percent of Cubans living in Florida are in Miami, both proportions having increased since the Mariel arrival, it can be prudently calculated that the total number of Cubans holding residence in this area surpasses the 600,000 figure. Conservative estimates for Puerto Ricans and other Latin nationalities would set the corresponding figures at about 70,000 and 50,000, respectively. Altogether this would make for a Hispanic participation ratio in the total population of approximately 41 or 42 percent. The addition of perhaps 25,000 or 40,000 Haitians, as well as of less numerous exiles and immigrants from a large variety of other nationalities, would marginally hike the mentioned ratio.

Very few would at this point harbor any doubts as to the beneficent economic effects of the transformation operated in

this area by the new socio-economic production function stemming from this demographic influx and the concurrent cultural changes associated with it. It would be well nigh impossible to ignore the direct and indirect causal relationships between population movements, socio-cultural change and startling economic growth and development in the area.

By way of illustration, let us note that income by place of residence in the SMSA of Miami was only $2,087 million in 1959. By 1973 this indicator of economic activity and well-being had advanced to $8,086 million. Likewise, while the average annual growth in per capita income in the area was 4.3 percent in the period 1950-1959, it accelerated to 9.8 percent in the years 1959 to 1972. Moreover, the average annual pace of expansion for this index went above 12 percent for the interval 1971-1973. In order to gauge the caliber of this performance, it will suffice to mention that the ranking of the SMSA of Miami, which was 76th among all of the nation's similar units in 1959, had already ascended to 15th place by 1973. Meanwhile, the tempo at which total personal income has been augmenting throughout the decade has proven to be, for the most part, highly satisfying. The actual rates were about 10.6 percent for 1974; 4.2 percent during the recessional year of 1975; 8.4 percent in 1976; 10.3 percent, 11.2 percent and 10 percent for the years 1977, 1978 and 1979, respectively and stationary for 1980 and probably also for 1981, while the national economy contracted for these last two years.

Given the specific nature and inter-relationships distinguishing the sectoral growth of this area, it would be scantly possible to dispute the assertion that both the triggering and subsequent growth mechanisms were intimately tied with the structural modifications brought about by the socio-cultural transformation of South Florida. One could not help but to entertain serious doubts as to what would have been the performance of this area over the described period had internal migration taken the place of the actual external immigration flows. Under that alternative scenario, there is very little evidence for the thesis that South Florida could have developed its comparative advantage the way it has, forging ahead of other geographic locations which initially enjoyed a considerable competitive edge over Miami.

Sufficiently has been said for the thesis of paradise regained. What about all of the lurking dangers and risks that threaten us with a new version of paradise lost? If, indeed, we have ever been in paradise to start with. Some seem clearly convinced that the opposite is true. That paradise was lost at the very moment when the chain of events described in this introduction began to take place.

In modern times, ethnic conflict within a society and, a fortiori, ethnic conflict of transnational origin are pathetic and persistent realities whose presence cannot be denied. Ethnicity, race, class and interest are oftentimes intertwined in an inextricable strand. Group shared cultural values and

norms, customs and lifestyles, along with the primordial fear of the stranger and the outsider, and the questionable but seemingly ineradicable perception of an economically negative sum game or shrinking pie version of population and immigration growth, all contribute to heighten and exacerbate societal conflict. Moreover, it may well be the case that in terms of the provision of a wide range of publicly financed services, the latter view may have some substance over the short run and before needed adjustments take place. The public sector, particularly in times of austerity, may show extreme niggardliness to the newcomers and force downward revisions in per capita reception of services available to the client population.

Lastly but certainly most importantly in terms of personal convictions and persuasion, and of our future as a civilization claiming its foundation on universal humanistic values, is the core question of natural and human rights and their interpretation in the light of our past and present immigration legislation and praxis.

The multifarious and many-sided issues and considerations surrounding our main theme will be initially acknowledged in today's presentations and ensuing exploration and discussion of related topics. It is our hope that a continuing effort to sustain this very tentative and preliminary first treatment of the matter will be forthcoming in the weeks and months ahead. Perhaps we will be able not only to contribute to the intellectual elucidation of our theme but, in the process, to serve

our community to understand itself better and to learn how to live and work harmoniously, both internally and as a member of the larger international community of which it is part.

"U.S. Refugee & Immigration Policy
and its Effect on South Florida"

by Alex Stepick
Assistant Professor
Sociology

American society and policy has always been ambivalent and vacillatory towards newcomers. When times are good, we have extended a very hospitable welcome to all kinds of newcomers but whenever there is an economic downturn, that hospitality frequently turns to hostility. Immigrants and other native minorities are the first to take the blame for the downturn; the Irish, the Poles, the Mexicans, the Cubans, the Haitians, the Vietnamese...(Fill in the blank with whatever previous immigrant group you know of) have always been blamed, sometime in the past, for being underproductive economically, and over-productive biologically.

In South Florida, of course, we are mainly concerned with refugees. Until 1980, the U.S. refugee law was explicitly biased in favor of those fleeing communism.

The Refugee Act of 1980 reversed, at least in law, a historically biased policy. Refugee standards became consistent with international standards and the United Nations Protocol and Convention, previously mentioned by Professor Jhabvala. Our government, unfortunately, almost immediately turned its back on its own laws preferring to adhere to the rather hypocritical realm of rewarding those who are fleeing our enemies and punishing those fleeing our friends. Since the passage of the Refugee Act nearly two (2) years ago, fully 95% of the refugees admitted to the United States have been from Indochina, the U.S.S.R. and Eastern Europe. It may be taken as a consistent though implicit rule of U.S.

refugee policy: that its primary function is not humanitarian, but to assist in the foreign policy objectives of the "Cold War".

The second rule is: Blacks are to be treated differently. The most flagrant example of this rule is the treatment of the Ethiopians. Late last year, the Reagan administration announced that Ethiopians claiming a fear of persecution if returned to their now communist homeland, would no longer be allowed to stay in the United States. Their temporary, voluntary status which had been granted by the Carter Administration was being withdrawn. At the same time, experts in Indochina claim that the current flows of "boat people" from Indochina are more economic than political refugees. They are coming to find a better life in the United States or to escape the Draft. Yet, Alexander Haig insists that we grant them a blanket presumption of a well-founded fear of persecution, that is, refugee status. One is apparently not so lucky if one happens to be black.

If one is black and fleeing a friendly regime, such as Baby Doc's Haiti, chances are remote indeed of receiving a friendly welcine. Yet, fortunately, we do live in a democracy and our political system is responsive to public pressure and criticism of these unfair and discriminatory practices. The responses of the U.S. Government to these charges have fallen into three categories:

(1) The first response is to make symbolic changes which apply as locally and as limitedly as possible. That is, to discriminate against those who have the least political power domestically. Cubans still have limited political power and influence in the United States, far less than, for example, the Polish or Alexander Haig. Given the hullaballoo surrounding the denial of status to the Haitians, and the historical tradition of admitting

Cubans, it seemed logical to the I.N.S. and the Administration to deport one or two Cubans to avoid opening the floodgates to the Haitians. Unfortunately, the Cubans did not necessarily agree with this precedent and the policy has since stumbled inconsistently, welcoming some and rejecting others.

The Administration is now caught in a bind. How can it allow Cuban in without opening itself to accusations of ideological and racist bias against the Haitians?

(2) It must resort to a second strategy, that is, to explore the refugee and asylum laws' inherent ambiguities and contradictions in judicial precedents. Neither the United States nor International Law precisely defines a well-founded fear of persecution. In some cases, the courts have found as sufficient persecution the limited economic opportunities provided by some governments; whereas in other cases the courts have ruled that jail and torture for speaking and writing against the particular government are not sufficient grounds for establishing a well-founded fear of persecution. Given these precedents, the government has reasonable hopes that courts will find no violation of the law in allowing the Cubans, and not allowing in the Haitians, in spite of what appears to be non-ideological, unbiased, humanitarian law. A favorable judge, as it is on the merits of the case.

(3) If, however, the Courts find cause against the government, consistently or too frequently as it has done with the Haitians, a third strategy must be initiated. That is, introduce legislation limiting the Courts' review power and legalizing the practices the court had previously found illegal. For the

past four (4) years, the Courts have repeatedly foiled the Government's attempts to deport the Haitian "Boat" people and more recently the Salvadorans. The Courts have required that Haitians be advised of their rights to claim asylum, and provided with access to lawyers, although at no government expense, who can plead their cases in adversarial proceedings.

The Reagan Administration has introduced legislation which would deny these rights to aliens who arrive without the proper documents (like the Haitian Boat people or the Salvadorans in California). The legislation also eliminates the type of judicial review which has heretofore extended these rights to the aliens. These examples indicate that our government, as with most governments, chooses to respond to the immediate most pressing issues by applying a few band-aids. Washington has consistently treated the refugee problems as one-shot short-term crises. There has been little concern for the root causes underlying the production of refugees in the first place, the causes of mass population movements.

The most common explanation that one hears from the Administration for the causes of mass migrations from Haiti, (and perhaps from El Salvador), is mass poverty. Certainly no one can deny that Haiti is an extraordinarily poor country; but it is also true that virtually every nation in Latin America is poor compared to the United States. And if mass poverty is the cause of mass migration, then the question is: Why isn't everybody in Latin America already here? - Why aren't we overwhelmed by Dominicans, Barbadian, Trinidanians, Colombians, and everyone else?

Well, clearly, there is something more to it than simply poverty. Again I must return to the issue of foreign policy. In one important respect Fidel Castro and Jean-Claude Duvalier are remarkably similar: they can manipulate the United States to their interests; and immigration is a form of that manipulation. South Florida, of course frequently ends up paying the cost and not the game players in Washington and the Caribbean. Duvalier, in secret negotiations, allegedly obtained increased aid and support from International Agencies for stopping the flow. When the flow flows, he receives kick-backs from the smugglers. When the flow stops, he receives aid from the United States. Either way he wins.

In the Cuban case, Mariel and the prospect of another massive boatlift is the inevitable product of the predominance of "Cold War" foreign policy interests instead of humanitarianism or family reunification for those seeking to leave Cuba. Castro knew full well that Miami Cubans could not deny the opportunity of being reunited with their families. He further knew that a small amount of pollution would cause tremendous havoc on the receiving end. He has remained a guerrilla fighter for over twenty years, and our policy of attempts of isolation have only prolonged the trend.

So there is indeed a consistency in U.S. refugee policy, a consistency based on "Cold War" foreign policy with a tint of racism. In fact, we may say there is a contradiction between our humanitarian refugee law and the narrow application of it. This policy, I assert, is insufficiently concerned with impact of local communities, as South Florida knows too well, and as California is beginning to know with the Salvadorans. It is, furthermore, insufficiently concerned with the migrants themselves, who have become nothing more than pawns in international foreign policy.

"International Obligations of the

United States on Refugees"

by Farrokh Jhabvala
Associate Professor
International Relations

Two important international documents on refugees apply to the United States: the Universal Declaration on Human Rights of 1948, and the 1951 Convention Relating to the Status of Refugees along with its 1966 Protocol. Under the Universal Declaration "[e]veryone has the right to seek and to enjoy in other countries asylum from persecution." Although the Declaration may not be a binding document per se it clearly is a statement of fundamental international principles and human rights. Mrs. Eleanor Roosevelt, the U.S. delegate to the U.N. Commission on Human Rights and one of the staunchest supporters of the Declaration, predicted that the Declaration's importance would be comparable to that of the French Declaration of the Rights of Man and the American Declaration of Independence.

The Universal Declaration calls for the progressive implementation through national and international measures of its rights so that they will come to have effective recognition and observance. Today, thirty-three years after the adoption of the Universal Declaration the United States has yet to implement through its domestic legislation the right of everyone to seek and to enjoy in the U.S. asylum from persecution.

The Convention and the Protocol Relating to the Status

of Refugees do not distinguish between the so-called economic and political refugees. They define a refugee as any person who, "owing to well - founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

These treaties absolutely forbid discrimination between refugees on the basis of race, religion or country of origin; they demand that all refugees "shall have free access to the courts of law" of the treaty parties; and that in no case may a treaty party "expel or return ("refouler") a refugee ... to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." No derogation from these provisions is permitted by the treaties.

In addition, these treaties require that no penalties shall be imposed on account of illegal entry or presence on refugees who "enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence."

Insofar as U.S. law and practice does not meet these standards of the treaties which the United States voluntarily accepted, the U.S. is in violation of its obligations under these treaties and international law. And, this is perhaps most importantly so for the definition of "refugee" under U.S. law and practice. Under the treaties the definition of the term "refugee" is one on which individual states do not have discretion. In addition, it is a long-standing principle of international law that conflicting domestic law cannot be used as the excuse to evade international obligations. Interestingly, the U.S. Constitution itself through Article VI, the so-called "supremacy clause", declares treaties to be the supreme law of of the land. Thus, domestic legislation that may be in conflict with the treaties may also be unconstitutional.

It is worth pointing out that the United States cannot defend its position by drawing comparisons with other, particularly repressive, states. Claiming and being accorded the status of leader of the free world entails the responsibilities of leadership, including that of setting an example for others to follow. It scarcely behooves a rich and powerful state such as the United States to appear to be backing away from its international obligations, both political and legal, at the expense of destitute and persecuted individuals.

Finally, in light of recent events and revelations I would like to introduce another element and perhaps close on a question.

About a week ago President Reagan supported his Caribbean Basin economic plan in his address to the O.A.S. by arguing that economic growth and development in the Caribbean region will contribute to a reduction of refugees -- those seeking an improvement in their economic conditions. That is, economic assistance will keep potential refugees at home. This morning's newspaper reported that President Reagan has approved covert operations in Nicaragua, a step which combined with our presence in Salvador raises direct U.S. involvement in Central America to a new and more dangerous level. Finally, the United States currently has a policy of interdicting vessels on the high seas to return potential Haitian refugees to Haiti. In light of these elements of our policy towards the Caribbean and Central America the following question arises: will we undertake military action -- covert and/or overt -- to keep future refugees at home?

"The Economic Impact of Refugees & Immigrants"

by Raul Moncarz
Professor of Economics

(Most of my comments have come from research which I have done along with Dr. Jorge.)

The impact of the refugees on this area has been tremendous. Dr. Jorge has already talked about the demographic variables. I would like to talk about some of the research that we have done with respect to the Hispanic businesses in the area to appear in a forthcoming paper.

The economic impact of these firms has been very high in terms of numbers. Of course, the reason for going into business and economic considerations is that we have to look at the refugee matter from a consumer's and producer's viewpoints. From a consumer viewpoint, there is no doubt that there are many , many refugees in this area just by numbers: the higher the population, the higher their needs, the higher the consumption, the higher the demand for goods and services. So from a consumer's viewpoint, the refugees in this area have added quite a bit just by sheer numbers. The area of interest to us also is that of the refugees and immigrants as producers, as owners of resources, (as owners of firms) and one of the variables that we are dealing with this afternoon is that of Spanish-owned firms. In other words the question is how many Hispanic businesses are there is this area, and what has been their rate of progress? What has been their impact? As I mentioned before this is only <u>one</u> variable, but one in which we have numbers, that of Hispanic firms per se. Again, the number of Hispanic firms in this area has increased from 3,447 in 1969 to 4,847 in 1972, to 8,248 in 1977.

The increase in firms has been about 17%/year since 1969. From March 1975 to March 1979 there has been a total of 7,000 new business firms in Dade County, including Hispanic and non-Hispanic owned. Hispanic owned firms comprise 77% of Dade's minority-owned businesses, accounting for 86% of the employees and 87% of the payrolls of such firms. This is a very wide statistic, but it has certain other implications which need to be discussed. But what do we mean by "minority-owned firms"? By that we mean firms that are operated with virtually no employees; over-all minority owned businesses have about one-half of the personnel of non-minority-owned businesses. The low average pay scales, combine with the low employment levels to produce low payroll generation from minority-owned firms.

So we have a number of firms but these are generally small, individually or family owned, and they do not generate enough income and employment. Gross receipts of these firms in Los Angeles amounted to 531 million dollars. By contrast in Miami gross receipts of Hispanic firms reached 363 million dollars. However, in terms of gross receipts per firm, Miami surpasses Los Angeles by 70%, so this has brought the Hispanic immigrants in this area into an interesting situation. Hispanic firms in this area predominate among other regions of the United States both in terms of numbers and in terms of volume sales. Thus, when we speak about Hispanic businesses in the US, many people <u>think</u> about Hispanic businesses in the Miami area. Why are there more businesses in this area even though the period of the immigration has been relatively short, i.e. twenty (20) years compared to other immigrant groups?

To answer this question we have to look, of course, into socio-cultural sociological and intrepreneurial aspects of the different populations.

It has come to be seen that, even though the firms are small, many of the minority firms in this area <u>are</u> not representative of minority firms. And, of course, this is a problem. I see a danger in that even though the firms are owned by minorities, even though they have all the troubles that minority firms have, these firms, because they have had a relatively high level of success, are not being considered minority firms by other minority groups. In other words, when we talk about minority groups in the U.S., minority groups in Miami are not as relevant as minority groups in Detroit, San Diego, or elsewhere. Why? Because the production function of this area has been a little bit ahead of the production function of minorities in other areas.

"Refugees: The Central American View"

by Mark Rosenberg
Associate Professor
Political Science

Estimates are often incorrect, but they are at least suggestive. Anywhere from 400,000 to 600,000 Central Americans can be classified as displaced persons or refugees. This is roughly about 4% of the region's population. There is no Central American country, if we are talking about the traditional Central American countries of Nicaragua, El Salvador, Guatemala, Honduras and Costa Rica which has not been affected by the temporary or permanent onslaught of refugees. A few examples can be cited. El Salvador was faced with the expulsion of thousands of Salvadoreans from the Honduran border in the late 1960's. Costa Rica became a host society for around 80,000 Nicaraguans fleeing from the destruction of the 1973 Managua Earthquake; and although most of those subsequently returned, many came back to Costa Rica with the conflict in Nicaragua at the beginning of 1978. Since then, there has been a steady stream of refugees seeking support both within refugee camps in their own countries and leaving their countries to seek a better life elsewhere.

I want to state a number of propositions and then give greater detail in this short presentation. First, the refugee problem in Central America is one of the most significant issues to confront Central American societies during the past decade. While it is true that displaced persons have always been coming to the region, their numbers are significant in terms social, economic, political, and geopolitical factors. There does not seem to be any systematic effort at this point to study on the extent of the problem or to find

out who is involved with dealing with the problem and how it can be resolved. Second of all, it seems to me, and this is something which my colleagues in the Panel can discuss, that the problem is much more complex than in the non-Spanish or Spanish Caribbean. The Central American refugee has a number of options that he can pursue, but little is known about what actually motivates his decision to:

1) Migrate internally as a means by which to move away from conflict or hostily;
2) to ~~immigrants~~ to other Central American countries; or
3) leave Central America entirely for either Mexico or the U.S.

Thirdly, unlike Haiti whereas the refugee tends to be mainly a lower class phenomena, in Central America the types of refugees at this pointstand are classless; therefore this makes a more consistent definition of the refugee much more difficult to establish.

Let's look at some of the data:

Estimates are that 150,000 - 600,000 Guatemalans are now in Mexico. If you read the Mexican Press, you see that the Mexicans are becoming increasingly concerned about the presence of Guatemalans in Southern Mexico, partly because this constitutes a new dimension in Mexican politics. In addition, partly because Mexico has been very eager to pursue the question of "Chicano" and "Brasero" rights in the United States and they realize now that it is much more difficult to press the case for their fellow countrymen in the U.S. when they are in fact exploiting and or treating badly Guatemalans who are in

Mexico. Many people say that the question of the Guatemalan refugee will become the critical question of Mexican foreign policy during the next sexennial.

Estimates also are that there are also about 300,000 Salvadoreans who live outside of the country and that there are about 180,000 homeless in the country itself. The Nicaraguan Mezquito have migrated en masse to Honduras and while it is hard to figure out exactly how many there are, my estimate is that they constitute a serious problem not only for Nicaragua as its effort to create an image of a benevolent society in terms of its internal policy. But more importanly, for Honduras which is already strapped with the presence of thousands of Salvadoran as well as Nicaragua refugees. Another 100,000 Nicaraguans, although there are no precise estimates, live outside of their Borders.

For those who live in refugee camps, life is abysmal. An example, "La Virtud" in Honduras, has about 24,000 Salvadoran refugees in the Camp alone, and another 11,000 in the environs. There are serious health hazards, from animal wastes to inadequate latrines, a river contaminated by animal wastes and detergents which are used to wash the clothes, the lack of portable water, the excessive heat in the tents, the lack of personal hygiene, and of course, something which will probably <u>not</u> be addressed today, and that is the psychological trauma that accompanies the movement of peoples. Common diseases include maleria, dysentery, gastro-intestinal disorders, anemia, malnutrition, hepatitis, conjuctivitis, and respiratory infections. Between April and May of 1981 roughly seventy-five (75) children died of causes related to mal-

nutrition and there are an average of about 23 death each month in this camp alone.

We could go on, but it is evident from this description that the situation is bad. Compared to other refugee problems, compared to other refugees in Indochina, in Pakistan and Somalia, the problems are relatively minor, at least in quantitative terms. But for the people who live them in the region, they are part of the Central American reality of repression and poverty.

If anything comes out of this effort by the Office of Latino Education, it seems to me what we ought to try to do at this institution is to begin to promote the study of Central American refugees, not only the ones who are in Central America but the ones who are in Miami, and San Francisco.

There is a terrible lack of information and a dearth of people who are working on the topic.

"The Problems of Haitian Refugees in the United States"

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It is a source of pride to the United States that as a national of immigrants this country is the largest receiver of refugees and immigrants who settle here permanently. During 1978 over 600,000 legal immigrants and refugees were admitted for permanent residence.[1] The 1978 total has been estimated to be about twice as many as accepted by all other nations combined.[2] In addition is the massive influx of illegal or "undocumented" migrants, largely from Mexico, the Caribbean and from Latin America. Because of the nature of this influx there is no hard data on the total volume of such migrants. Various estimates have placed the number of "undocumented" aliens at between five to ten million. By the end of 1980 it has been estimated that the United States would have accepted more immigrants and refugees that at any time in the nation's history.[3]

A major contributor to the record immigrant entrants during 1980 must be what has become popularly known as the "Mariel Freedom Flotilla." Between late April and August 1980, approximately 125,000 Cuban refugees landed at Key West. By October 110,000 of these refugees were permanently settled

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[1] M. Teitelbaum. "Right Versus Right: Immigration and Refugee Policy in the United States." Foreign Affairs Fall 1980. p. 24.

[2] Ibid.

[3] E. Eidenberg, Secretary to the Cabinet and Assistant to President Carter. Television Interview "Headline: Immigration," Miami, Florida. October 16, 1980.

of which over 80,000 remained in South Florida, particularly in the Miami area.

While the massive numbers of Cuban refugees have been warmly welcomed by the United States, as have all refugees fleeing oppresive leftist regimes throughout the world, another smaller group of refugees, the Haitians, have encountered harsh treatment at the hands of the Immigration and Naturalization Services (I.N.S.). Whereas Cubans have almost always been granted political asylum, Haitians faced immediate deportation, and in fact, hundreds have been deported. This paper analyses the treatment of Haitian refugees by the U.S. Immigration and Naturalization Services and concludes with a brief statement by the U.S. Court concerning this treatment.

Since the first boat load of Haitian refugees arrived on the beaches of South Florida in 1964, the total number until October 1980 is estimated about 40,000. The choice of South Florida is determined by necessity. These refugees have nearly all arrived in very poorly equipped and generally dilapidated sail boats, and since South Florida is the closest U.S. point to Haiti, South Florida has become the major landing point. Indeed, South Florida is the closest landing point of all refugees wanting to enter the United States from the Caribbean and Latin America.

The Haitian refugee, as it was earlier stated, has received somewhat different treatment from the I.N.S. than has the Cuban. The general official explanation for this differential treatment is that while the Cuban refugee can be classified as a political refugee, since ostensibly, he is fleeing political persecution

at the hands of a dictatorial communist regime, the Haitian is merely an economic refugee, seeking to better his status in life. This reasoning is undoubtedly superficial, simplistic and without regard to or knowledge of living conditions in Haiti. This reasoning as well, draws a sharp distinction between economic and political factors. And whereas this distinction may be appropriate for societies of the developed world, the lines between politics and economics become much more blurred among Third World societies. In neighboring Dominican Republic, for instance, especially during the period of the Trujillo dynasty, 1933-1961, one may very well argue that there was a merger of the political and economic systems of that state.[4]

The United States District Court has provided a possible second reason for the differential treatment by the I.N.S. between Haitian and Cuban refugees:

> The Haitians allege that the actions of I.N S. constitute impermissible discrimination on the basis of national origin. They have proved their claim. This court cannot close its eyes. however, to a possible underlying reason why these plaintiffs have been subjected to 'international origin' discrimination. The plaintiffs are part of the first substantial flight of <u>black</u> refugees from a repressive regime to this country. All of the plaintiffs are black. In contrast, for example, only a relatively small percentage of the Cuban refugees who have fled to this country are black, all of the Cubans who sought political asylum...were granted asylum

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[4]Even among developed countries, the United States, for instance, the increasing interaction of business, through lobbying organizations and Political Action Committees, has tended to blur the sharp distinction between economics and politics.

> routinely. None of the over 4,000 Haitians processed...were granted asylum. No greater disparity can be imagined.[5]

Yet another reason has been provided for the I.N.S. distinction of treatment between the Cuban and Haitian refugees. The U.S. welcomes those fleeing Communist dominated regimes. All such refugees are almost always granted political refugee status, thereby permitting them many benefits including the permission to work. Refugees from non-Communist, albeit dictatorial regimes, are usually unwelcome. The rationale being even though such latter regimes may also have been repressive, they are "our dictators."[6] And thus to admit citizens from these countries as "political refugees" seeking political asylum is to admit that repression is practiced by such regimes. Such admission would be incompatible with U.S. foreign policy objectives

Finally, it may be argued that the Haitian refugee is treated differently from his Cuban counterpart simple because the former lacks political clout. By and large, the Haitian refugee arriving in South Florida is uneducated, poor, with

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[5]United States District Court of Florida, Case No. 79-2086-Civ-JKL. Haitian Refugee Center et al. Plaintiffs vs. Benjamin Civiletti, Attorney General of the United States et at. Defendants. Final Order Granting Relief, 2nd July. 1980. p. 2-3. It is worth noting, though. that among the recent "Mariel Freedom Flotilla" were many black Cuban refugees.

[6]Interview with a State Department official involved in the Haitian Refugee Program. October 1, 1980.

almost no ability to communicate in English and generally of a submissive nature. Many of these characteristics are also evident in South Florida's Haitian refugee community. At the community level, as well. the problem is compounded by fragmentation. A number of Haitian-led religious and service organizations and other community agencies each claim to represent the interests of the Haitian refugee community. South Florida's Cuban community, on the other hand, is well established, of much longer standing, has access to financial support from within its community, is well-educated and very organized.

I.N.S. Actions: The Haitian "Program"

By early 1978 there were approximately six to seven thousand Haitians whose claims for asylum had not yet been processed. Adding to the backlog was the continuous stream of refugees from Haiti amounting to an additional 400 each month. The concern for this backlog together with the fear that the granting of asylum would increase the numbers of refugees arriving prompted the I.N.S. to institute a new approach. This approach which in effect nullified the claims of the refugees for political asylum became known as the Haitian Program.

The Haitian Program implemented in mid-1978 can be summarized as follows: all Haitians would be detained on arrival in the Unied States; they would be denied the permission to work and processing would be speeded up, even at the expense of due process; the ultimate objective of the speeded up process was the expulsion of all Haitian refugees as a group, since they

were all deemed to be economic refugees.

In a move clearly designed to encourage the Haitians to return home the I.N.S. denied them the permission to work while awaiting to be processed. All other refugee groups entering the United States have been granted work permits pending the outcome of their refugee claims. A class action suit filed in July 1979 seeking work permits for Haitian refugees was finally resolved on October 20, 1980. On that date the judge ruled in favor of the refugees, immediately affecting approximately 12,000 Haitians residing in South Florida.

The primary focus of the I.N.S.'s Haitian Program was a speeding up of processing of Haitian refugee applications to remain in the United States with the ultimate objective being the rejection of all asylum claims and the deportation of all Haitian refugees. Various procedures were instituted to put the new policies into practice. In the case of Haitian refugees, unlike others, the immigration judges were required to proceed with deportation hearings even if asylum claims were made. Claims for asylum depended upon completion of the I-589 form. Also the time required for completion and filing of these forms was reduced. It is important to realize that procedures were amended only for the cases concerning Haitian refugees. They therefore did not receive the same protection afforded to others.

In the actual implementation of the new procedures the emphasis was placed upon speed. Immigration judges were required to tripile their productivity. Quotas were established

for the number of hearings to be held each day. Haitians were threatened when they claimed 5th Amendment rights. Their attorneys were equally threatened in order that cases be rapidly processed.

The primary objective of the expedited process was the expedited expulsion. Haitian refugees were all treated as a group - economic refugees seeking to improve their standards of living. This process therefore did not permit the individual adjudication of claims for political asylum in a meaningful manner.

Adjudication by the Court

Three major cases were brought before the federal court system within the past three years charging various acts of discrimination by the Immigration and Naturalization Services upon Haitian refugees. In the first case Sanon vs The United States,[7] the petitioners charged that the procedures before the Immigration's District Director denied them the right to present their cases for asylum before immigration judges. In its Final Order in that case the Court concluded:

> The Sanon and Jean-Baptiste cases have achieved the truly historic objective and goal of providing to persons from all countries who seek political asylum...the right to a fair, impartial and full evidentiary hearing on their claims for asylum before a(n)...judge of the Immigration and Naturalization Service.[8]

[7] United States District Court Southern District of Florida. Consolidated Nos. 74-428-CIV-JLK, 75-2124-CIV-JKL. Marie Sanon et. al. vs. United States et. al. Final Order 7 January 1980. p. 2.

[8] Ibid. p. 2.

The Court further agreed that new I.N.S. regulations granted the plaintiffs the right to present their cases to immigration judges.

The second case. finally adjudicated upon in mid-October, 1980, settled a fifteen month class-action lawsuit filed by a number of organizations representing the refugees charging that the I.N.S. denial of work-permits to Haitian refugees was discriminatory. The federal court agreed to grant work permits to the refugees pending the decisions of the requests for political asylum.[9]

The most significant of the three cases was Haitian Refugee Center Vs. Benjamin Civiletti et. al. A final Order granting relief was delivered on 2nd July, 1980. In it the Court stated:

> Those Haitians who came to the United States seeking freedom and justice did not find. Instead, they were confronted with an Immigration and Naturalization Service determined to deport them. The decision was made among high I.N.S. officials to expel Haitians. despite whatever claims for asylum individual Haitians might have. A Program was set up to accomplish this goal. The Program resulted in wholesale violations of due process, and only Haitians were affected.[10]

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[9] As reported in the Miami Herald, p. 3B.

[10] Haitian Refugee Center Vs. Benjamin Civiletti. op. cit., p. 162.

The Court concluded:

> Haitians whose claims for asylum were rejected during the Program shall not be deported until they are given a fair chance to present their claim for political asylum.[11]

But while the Haitians are no longer being deported they are confined to detention camps across the country and in Puerto Rico. Such campus are now being characterized by political demonstrations outside, and hunger strikes and suicide attempts inside. The situation rather than being resolved continues to fester.

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[11] Ibid.